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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,556	02/08/2002	William P. Moyne	V0006/7001	9892
22832	7590	08/09/2005	EXAMINER	
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP (FORMERLY KIRKPATRICK & LOCKHART LLP) 75 STATE STREET BOSTON, MA 02109-1808			PATEL, NITIN	
			ART UNIT	PAPER NUMBER
			2673	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/071,556	MOYNE ET AL.	
	Examiner	Art Unit	
	Nitin Patel	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-82 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-82 rejected under 35 U.S.C. 102(b) as being anticipated by DeBuisser et al., (U.S. patent no. 5,717,168).

As per claim 1, DeBuisser shows system for recording a writing performed on a surface comprising(In fig.1 and In col.7 lines 1-10): a stylus comprising a first signal transmitter for transmitting position signals corresponding to positional data representative of the writing when the stylus is disposed adjacent to the surface; and a detector assembly comprising a plurality of position signal receivers for receiving the position signals transmitted by the stylus and further comprising a storage medium for recording the positional data(In col.5 lines 40-65).

As per claim 2, DeBuisser shows stylus further comprises a second signal transmitter for transmitting timing signals and wherein the detector assembly further comprises a timing signal receiver for receiving the timing signals transmitted by the stylus(In col.6 lines 45-60).

As per claims 3-7, DeBuisser shows the timing signals are infrared light signals and receiver is an infrared detector the position signals are ultrasound signals logic (In fig.3) for converting the position signals to the positional data (In col.6 lines 45-67).

As per claims 7-11,18-35,60-71 DeBuisser shows a processing unit for displaying the positional data representative of the writing the processing unit is a desktop computer, a laptop computer, a wireless device, a hand-held device, a printer, or any combination(In fig.1) and comprising a display device(In fig.1) and a user interface an eraser comprising a third signal transmitter for transmitting position signals corresponding to positional information representative of removal of the writing when the eraser is disposed adjacent to the surface(In col.12 lines 46-55).

As per claims 11-14, DeBuisser shows position signal receivers are condenser microphones and omnidirectional condenser microphones are pre-polarized condenser microphones with range of frequency(In col.7 lines 55-67).

As per claims 16,17 DeBuisser shows detector assembly comprises a base appliance for receiving the position signals from the first signal transmitter and for recording the positional data, and a personality module removably attachable to the base appliance for providing a user interface for the detector assembly wherein the stylus further comprises a second signal transmitter for transmitting timing signals and wherein the base appliance further comprises a timing signal receiver for receiving the timing signals from the stylus(In fig.3).

As per claim 36, DeBuisser shows the surface is a whiteboard, a blackboard, a clipboard, a desktop, a wall, a projection screen, a flip chart tablet, a glass pane, or an active display(In fig.1).

As per claim 37, DeBuisser shows A system for recording a writing performed on

Art Unit: 2673

a surface comprising: a stylus comprising a first signal transmitter for transmitting position signals corresponding to positional data representative of the writing when the stylus is disposed adjacent to the surface; and a detector assembly comprising a plurality of condenser microphones for receiving the position signals transmitted by the stylus(In fig.1 and In col.5 lines 45-67).

As per claim 38, DeBuisser shows the detector assembly further comprises logic for converting the position signals to the positional data, and a storage medium for recording the positional data(in fig.3 elements 42 and In col. 7 lines 43-55).

As per claim 39, DeBuisser shows the stylus further comprises a second signal transmitter for transmitting timing signals and wherein the detector assembly further comprises an infrared detector for receiving the timing signals transmitted by the stylus(In col.6 lines 62-67).

As per claim 40, DeBuisser shows A detector for use in a transcription system, the transcription system including a stylus for transmitting signals when the stylus is disposed adjacent to a surface, the detector comprising: a base appliance comprising a plurality of signal receivers for receiving the position signals transmitted by the stylus, logic for converting the position signals to positional data, and an internal local storage medium for recording the positional data; and a personality module removably attachable to the base appliance for providing a user interface for the detector(In fig.1 and col.6 lines 1-67).

As per claims 41-56,73-82 DeBuisser base appliance further comprises a timing signal receiver for receiving timing signals transmitted by the stylus and an infrared

Art Unit: 2673

detector and condenser microphones, omnidirectional condenser microphones, are pre-polarized condenser microphones, different frequency ranges (In col.6 lines 45-67 and In col.7 lines 42-67).

As per claim 57,72 DeBuisser A detector for use in a transcription system, the transcription system including a stylus for transmitting signals when the stylus is disposed adjacent to a surface, the detector comprising: a base appliance comprising a plurality of condenser microphones for receiving position signals transmitted by the stylus, the position signals corresponding to positional data representative of writing performed on the surface; and a personality module removably attachable to the base appliance for providing a user interface for the detector(In fig.1 and In col.9 lines 1-67).

As per claim 58, DeBuisser the base appliance further comprises logic for converting the position signals to the positional data, and an internal local storage medium for recording the positional data(In fig.3).

As per claim 59, DeBuisser shows a method for recording a writing performed on a surface comprising: providing a detector comprising a plurality of condenser microphones capable of receiving an acoustic signal; sending the acoustic signal from a stylus at a position on the surface when the stylus is disposed adjacent to the surface; receiving the acoustic signal with the plurality of condenser microphones; converting the acoustic signal to positional data; recording the positional data; and repeating the sending step, receiving step, converting step, and recording step to produce an image corresponding to the writing(In fig.1 and In col.6 lines 1-67).

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-82 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin Patel whose telephone number is 571-272-7677. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin H. Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP



August 7, 2005

Application/Control Number: 10/071,556  
Art Unit: 2673

Page 7